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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/475,713	12/30/99	ZUNIGA	M 09464-010001
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MMC2/0223

EXAMINER

RILEY, S

ART UNIT	PAPER NUMBER
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2838

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DATE MAILED:

02/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/475,713

Applicant(s)

ZUNIGA ET AL.

Examiner

Shawn Riley

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 15-17 and 19-24 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) \_ is/are objected to.
- 8) ☒ Claims 11-14 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Applicants arguments*

Applicants response has been considered but not deemed persuasive. Figure 5 does not disclose that the two separate inventions can be used together. Figure 5 shows fractional power loss at 5 and 12 volts and also shows fractional power loss vis a vis gate length. Further, applicant continues to misinterpret the restriction. Just because a regulator is claimed, applicant is not given license to claim any type of regulator. Applicant has two separate and distinct regulators. One regulator based on a first transistor and a second regulator based on two transistors. It is not disclosed that these two regulators are capable of being usable **TOGETHER**. For at least the above reasons, this restriction is maintained and made final.<sup>1</sup> Further, applicant has failed to address claim 18. For at least the above reasons, this case is made final.

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1. <sup>1</sup> Applicant's election with traverse of group I in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the claims are not limited to a voltage regulator with only a single transistor and the inventions are not unrelated but are useable together as shown in figure 5. This is not found persuasive because figure 5 has nothing to do with the first and second groups being used as combination/subcombination. Figure 5 merely shows the fractional power loss as a function of device width of an NMOS operating at either 5 or 12 volts at the gate. Further, the previous office action made no reference to a combination/subcombination as rationale for the restriction. The restriction was based on unrelated invention, that is they are not disclosed as being used together. Applicants do not disclose a first regulator with a single

Art Unit: 2838

***Claim Rejections - 35 U.S.C. § 112***

1. Claim 18 is rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph,

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 18, the recitation of the "first voltage" lacks antecedent basis.

In claim 18 the recitation of the "second voltage" lacks antecedent basis.

***Allowable Subject Matter***

Claims 1-10 and 15-17 and 19-24 are allowable.

2. As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 C.F.R. § 1.111(b) and section 707.07(a) of the M.P.E.P.

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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transistor in series/parallel with a second regulator having two transistors (i.e., multiple regulators – not multiple transistors in a single regulator).


The requirement is still deemed proper and is therefore made FINAL.

Art Unit: 2838

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. This application contains claims 11-14 drawn to an invention nonelected with traverse in Paper No. 6. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Riley whose telephone number is 703.305.3487. The Examiner can normally be reached Monday through Thursday from 7:30-6:00 p.m. Eastern Standard Time. The fax phone number for this Group is 703.305.7731 or 7732. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703.308.1782.

  
Shawn Riley  
Primary Examiner